

Adam P. Segal, Esq.  
Nevada Bar No. 6120  
Bryce C. Loveland  
Nevada Bar No. 10132  
Christopher M. Humes, Esq.  
Nevada Bar No. 12782  
BROWNSTEIN HYATT FARBER SCHRECK, LLP  
100 North City Parkway, Suite 1600  
Las Vegas, Nevada 89106-4614  
Telephone: (702) 382-2101  
Facsimile: (702) 382-8135  
Email: asegal@bhfs.com  
Email: bcloveland@bhfs.com  
Email: chumes@bhfs.com

*Attorneys for Defendants Trustees of the Nevada  
Resort Association - IATSE Retirement Local 720  
Pension Plan*

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

WESTGATE LVH, LLC,

Plaintiff,

vs.

TRUSTEES OF THE NEVADA RESORT  
ASSOCIATION, INTERNATIONAL  
ALLIANCE OF THEATRICAL STAGE  
EMPLOYEES (I.A.T.S.E.) LOCAL 720  
PENSION TRUST,

Defendants.

CASE NO.: 2:17-cv-01731-RFB-NJK

**STIPULATION AND ORDER TO  
EXTEND DISCOVERY DEADLINES**

**[FIRST REQUEST]**

Defendants, the Trustees of the Nevada Resort Association - IATSE Retirement Local 720 Pension Plan (the "Plan") by and through their attorneys of record at Brownstein Hyatt Farber Schreck, LLP, and Plaintiff Westgate LVH, LLC ("Westgate") by and through its counsel of record, Greenspoon Marder, P.A and Ogletree Deakins Nash Smoak & Stewart, P.C, hereby stipulate and agree that the Scheduling Order (ECF No. 26) in this case by extended seventy-five days (75) days from the current discovery deadline of April 16, 2018, to June 29, 2018, and the

dispositive motion deadline from May 16, 2018, to July 30, 2018. This is the first joint request to extend the discovery deadline and is being made 21 days prior to close of discovery.<sup>1</sup>

**A. DISCOVERY COMPLETE.**

1. 9/8/2017 Defendants' Initial Disclosures.
2. 9/29/2017 Plaintiff's Initial Disclosures.
3. 11/2/2017 Plaintiff's First Set of Requests for Production of Documents to Defendants.
4. 11/2/2017 Plaintiff First Set of Interrogatories to Defendants.
5. 12/7/2017 Defendants' Responses to First Set of Requests for Production of Documents.
6. 12/7/2017 Defendants' Responses to First Set of Interrogatories.
7. 12/7/2017 Defendants' First Supplemental Disclosures.
8. 1/16/2018 Defendants' First Request for Production of Documents Westgate, LVH, LLC.
9. 1/16/2018 Defendants' First Set of Interrogatories to Westgate, LVH, LLC.
10. 1/16/2018 Defendants' First Requests for Admission to Westgate, LVH, LLC.
11. 2/12/2018 Plaintiff's Subpoena Deposition – R. Ostrosky.
12. 2/12/2018 Plaintiff's Subpoena Deposition – M. McDonald.
13. 2/17/02018 Plaintiff's Responses to First Requests for Admissions.
14. 2/20/2018 Plaintiff's First Amended Notice of Deposition – B. Payson.
15. 3/9/2018 Plaintiff's Responses to First Request for Production of Documents.
16. 3/9/2018 Defendants' Second Supplemental Disclosures.
17. 3/9/2018 Defendants' Notice of 30(b)(6) Deposition – Westgate, LVH-LLC
18. 3/9/2018 Plaintiff's Answers to First Set of Interrogatories
19. 3/9/2018 Plaintiff's Responses to Defendants First Request for Production of Documents.
20. 3/9/2018 Plaintiff's Responses to Defendants' First Set of Interrogatories.
21. 3/13/2018 Plaintiff's First Supplemental Initial Disclosures.

<sup>1</sup> Plaintiff previously moved for an extension to the discovery deadlines which was opposed by the Defendants. (ECF Nos. 22 and 24.) This request is the first joint request brought by both parties.

22. 3/16/2018 Defendants' Second Request for Production of Documents to Plaintiff.
23. 3/16/2018 Defendants' Second Set of Interrogatories to Plaintiff.
24. 3/19/2018 Defendants' Subpoena Deposition – R. Stevens.
25. 3/19/2018 Defendants' Subpoena Deposition – R. Johnson.

**B. DISCOVERY THAT NEEDS TO BE COMPLETED.**

1. Plaintiff's responses to Defendants' Second Request for Production of Documents and Second Set of Interrogatories.
2. Defendants' additional Requests for Production of Documents to Plaintiff.
3. Defendants additional Interrogatories and Requests for Admissions to Plaintiff.
4. Potential written discovery requests from Plaintiff.
5. Plaintiff's additional Requests for Production of Documents to Defendants.
6. Plaintiff's additional Interrogatories to Plaintiff.
7. Potential written discovery requests from Defendants.
8. Depositions of all relevant witnesses.

**C. REASON DISCOVERY WAS NOT COMPLETED.**

The Parties are requesting this extension to ensure that Plaintiff and Defendants have ample time to schedule depositions of the respective persons most knowledgeable, in addition to any other relevant depositions that the parties choose to conduct. The Parties have been diligently attempting to calendar certain depositions, but due to numerous scheduling conflicts, the parties are requesting an extension to ensure all needed discovery is completed.

**D. CURRENT DISCOVERY SCHEDULE.**

- |                              |           |
|------------------------------|-----------|
| 1. Discovery Cutoff          | 4/16/2018 |
| 2. Dispositive Motion Cutoff | 5/16/2018 |
| 3. Pretrial Order Cutoff:    | 6/18/2018 |

**E. PROPOSED DISCOVERY SCHEDULE.**

- |                                  |           |
|----------------------------------|-----------|
| 1. New Discovery Cutoff          | 6/29/2018 |
| 2. New Dispositive Motion Cutoff | 7/30/2018 |
| 3. New Pretrial Order Cutoff     | 8/29/2018 |

4. In the event dispositive motion(s) are filed, the date for filing the joint pretrial order shall be suspended until 30 days after the Court enters a ruling on the dispositive motions, or otherwise by further order of the Court.

This is the Parties' first joint request for an extension of the discovery deadline dates. The requested extension is not made to delay this matter, but made in the spirit of good faith by both parties to ensure all needed discovery is conducted before proceeding to dispositive motions and to trial. Based upon the foregoing, the Parties believe there is good cause for the requested extension.

BROWNSTEIN HYATT FARBER  
SCHRECK, LLP

GREENSPOON MARDER, P.A.

/s/ Christopher M. Humes

/s/ Russell S. Buhite

Adam P. Segal, Esq.

Vincent Aiello, Esq.

Nevada Bar No. 6120

Nevada Bar No. 7970

Bryce C. Loveland, Esq.

3993 Howard Hughes Pkwy, Suite 400

Nevada Bar No. 10132

Las Vegas, NV 89169

Christopher M. Humes, Esq.

Russell S. Buhite, Esq. (*Pro Hace Vice*)

Nevada Bar No. 12782

Washington Bar No. 41257

100 North City Parkway, Suite 1600

OGLETREE DEAKINS NASH SMOAK &  
STEWART, P.C.

Las Vegas, Nevada 89106-4614

800 Fifth Avenue, Suite 4100

*Attorneys for Defendants Trustees of the*

Seattle, Washington 98104

*Nevada Resort Association - IATSE*

*Retirement Local 720 Pension Plan*

*Attorneys for Plaintiff Westgate LVH, LLC*

Dated: March 26, 2018

Dated: March 26, 2018

## ORDER

IT IS SO ORDERED.

  
UNITED STATES MAGISTRATE JUDGE

DATED: March 27, 2018